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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

BRADLEY COOPER, Individually and On
Behalf of All Others Similarly Situated,

Plaintiffs,

v.

THORATEC CORPORATION, GERHARD F.
BURBACH, TAYLOR C. HARRIS, and
ROXANNE OULMAN,

Defendants.

Case No. 4:14-cv-00360-CW

[PROPOSED] ORDER

DATE: May 1, 2014

TIME: 2:00 p.m.

JUDGE: Honorable Claudia Wilken

CTRM: 2 – 4th Floor

1 **WHEREAS**, the Court has considered the competing motions for Appointment of Lead
2 Plaintiff and Approval of Lead Counsel,

3 **IT IS HEREBY ORDERED THAT:**

4 **APPOINTING LEAD PLAINTIFF AND**
5 **APPROVAL OF SELECTION OF LEAD AND LIAISON COUNSEL**

6 1. Having reviewed all pending Motions and accompanying Memoranda of Law, the Court
7 hereby appoints Bradley Cooper as Lead Plaintiff. Lead Plaintiff satisfies the requirements for Lead
8 Plaintiff pursuant to Section 21D(a)(3)(B)(iii) of the PSLRA.

9 2. Lead Plaintiff, pursuant to Section 21D(a)(3)(B)(v) of the PSLRA, has selected and
10 retained the law firm of Pomerantz LLP as Lead Counsel and Glancy Binkow & Goldberg as Liaison
11 Counsel in this consolidated action, and the Court hereby approves these selections.

12 3. Plaintiffs' Lead Counsel shall have the following responsibilities and duties, to be
13 carried out either personally or through counsel whom Lead Counsel shall designate:

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- 15 (a) to coordinate the briefing and argument of motions;
 - 16 (b) to coordinate the conduct of discovery proceedings;
 - 17 (c) to coordinate the examination of witnesses in depositions;
 - 18 (d) to coordinate the selection of counsel to act as a spokesperson at pretrial
 - 19 conferences;
 - 20 (e) to call meetings of the plaintiff's counsel as they deem necessary and appropriate
 - 21 from time to time;
 - 22 (f) to coordinate all settlements negotiations with counsel for defendants;
 - 23 (g) to coordinate and direct the pretrial discovery proceedings and the preparation for
 - 24 trial and the trial of this matter and to delegate work responsibilities to selected
 - 25 counsel as may be required; and
 - 26 (h) to supervise any other matters concerning the prosecution, resolution or
 - 27 settlement of the Consolidated Action.
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1 4. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed
2 by any plaintiff without the approval of Lead Counsel, so as to prevent duplicative pleadings or
3 discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of Lead
4 Counsel.

5 5. Counsel in any related action that is consolidated with this action shall be bound by this
6 organization of plaintiffs' counsel.

7 6. Lead Counsel shall have the responsibility of receiving and disseminating Court orders
8 and notices.

9 7. Lead Counsel shall be the contact between plaintiffs' counsel and defendants' counsel,
10 as well as the spokesperson for plaintiffs' counsel, and shall direct and coordinate the activities of
11 plaintiffs' counsel.
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13 8. Defendants shall effect service of papers on plaintiffs by serving a copy of same on Lead
14 Counsel by overnight mail service, electronic or hand delivery. Plaintiffs shall effect service of papers
15 on defendants by serving a copy of same on defendants' counsel by overnight mail service, electronic
16 or hand delivery.
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18 9. During the pendency of this litigation, or until further order of this Court, the parties
19 shall take reasonable steps to preserve all documents within their possession, custody, or control,
20 including computer-generated and stored information, and materials such as computerized data and
21 electronic mail, containing information which is relevant or which may lead to the discovery of
22 information relevant to the subject matter of the pending litigation.
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1 **SO ORDERED.**

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3 Dated: April 21, 2014

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6 Honorable Claudia Wilen
7 United States District Judge
8 Northern District of California

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